

EDGERTON PLANNING COMMISSION AGENDA

February 11, 2014

7:00 PM

1. Call meeting to order

2. Pledge of Allegiance

3. Roll Call:

A. Members:

Phyllis Harris, Chairperson

Present / Absent

Maria O'Neill, Secretary

Present / Absent

Bob O'Neill

Present / Absent

Chuck Davis

Present / Absent

Missy Drinkard

Present / Absent

Ron Conus

Present/Absent

Andrea Lucero

Present/Absent

Cliff Withrow

Present/Absent

Tina Graddy

Present/Absent

4. Approval of Minutes:

A. January 28, 2013

5. Guests Present:

A.

B.

6. Communications:

7. New Business - Public Hearings

- A. Consideration of a public hearing in regards to Rezoning Case No. RZ-10-18-2013, requesting a change in zoning from City of Edgerton A-G to Edgerton Logistics Park, L-P, on a portion of property located in the Northwest one-quarter of Section 3, Township 15, Range 22, and a part of Tract A and Tract B according to the survey recorded in Book 201207, Page 007000 in the Register of Deeds Office, Johnson County, in the vicinity of 191st Street and Homestead (southeast corner), containing approximately 31.860 acres more or less. Owners: Omar and India Holtgraver. Agent: International Transload Logistics.

Action requested: Open the hearing, receive comments, consider motion to close hearing, and consider motion of recommendation of approval, denial, or table.

- B. Consideration of Conditional Use Permit, CU-11-15-2013, for Lot 1, ITL, requesting approval for a conditional use permit to operate a cargo container storage, repair and maintenance facility located in the southeast corner of 191st Street and Homestead Lane, within the Northwest one-quarter of Section 3, Township 15, Range 22 containing approximately 31.860 acres more or less. Owners: Omar and India Holtgraver. Agent: International Transload Logistics.

Action requested: Open the hearing, receive comments, consider motion to close hearing, and consider motion of recommendation of approval, denial, or

table.

8. Other Business:
9. Follow Up Items
 - A. Parking concerns on Nelson Street in downtown area
10. Future Meeting – Regular meeting – March 11, 2013
11. Adjournment:

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

January 28, 2014

Minutes

Prior to the beginning of the official meeting, three new Planning Commissioners were sworn into office: Andrea Lucero, Cliff Withrow, and Tina Graddy.

The Edgerton Planning Commission met in regular session with Chair Harris calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Phyllis Harris, Maria O'Neill, Chuck Davis, Missy Drinkard, Andrea Lucero, Cliff Withrow, and Tina Graddy. Absent were Commissioners Bob O'Neill and Ron Conus. Also present were City Administrator Beth Linn and Recording Officer, Debra S. Gragg.

The Recording Officer announced a quorum was present.

MINUTES

Minutes of December 10, 2013 were considered. Motion by M. O'Neill, seconded by Drinkard, to approve the minutes as presented. The motion was approved, 7-0.

GUESTS

No guests were formally introduced.

COMMUNICATIONS

Chair Harris welcomed the new Commissioners.

FINAL PLAT

Final Plat, FP-12-03-2013, requesting approval of a final plat for TSL Edgerton, located in the southwest corner of 191st and Waverly Road, in the northeast one-quarter of the northeast one-quarter of Section 3, Township 15, Range 22, containing approximately 20 acres, more or less was considered. Owner: TranSpec Leasing, Inc., Tom Hastings.

The City Administrator overviewed the proposed plat request for the construction of a cargo container storage facility. She indicated the property as current is five lots and tonight's action will reconfigure the property. Ms. Linn spoke about the infrastructure and services for the site. It was noted Waverly Road is gravel, but future improvements will pave the project to accommodate intermodal/logistic park traffic; 191st Street is paved in the manner to support the intended traffic. The property will be served by the

Big Bull Creek watershed and a small portion of the property lies within the flood plain, with no development noted within the area. The location currently has two existing homes, which will be temporarily used for operations and are serviced with septic systems. Rural Water 7 supplies water to the site which will accommodate the current need. Police and fire service are provided by Johnson County Sheriff and Johnson County Rural Fire District No. 1.

Ms. Linn reviewed the staff analysis which indicated the plat mostly complies with the Edgerton Unified Development Code (UDC). It was noted the final plat lists both lots as Lot 1; need to review the legal description and set monuments; identify quarter corners; add table; locate the drainage easement within one or both lots; review of utility easements by Utility Companies, dedication of pedestrian easement; and correct any typographical errors.

It was noted staff recommends approval of the final plat with noted stipulations.

Motion by Drinkard, seconded by M. O'Neill, to recommend approval of the final plat with the following stipulations: 1) All Final Plat requirements of the City noted shall be met or addressed prior to recording of the Plat; 2) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; 3) A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; and 5) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

The motion was approved, 7-0.

FINAL PLAT

Final Plat, FP-12-19-13, requesting approval of a final plat for Logistics Park Kansas City, Third Plat (Lot 3) located TSL Edgerton, located west of Waverly Road and 191st Street, in the southeast quarter of Section 34, Township 14 South, Range 22 East, Johnson County, Kansas with a situs address of 18905 Kill Creek Road, was considered. Applicant: ELHC IV, LLC, Patrick Robinson.

The City Administrator informed the Commissioners this site is located north of Lot 2, which houses the DEMDACO project. Ms. Linn indicated the property has an approved

preliminary plat and site plan. She informed the members this property will house a warehouse for Smart Warehousing, a Third Party Logistics Firm.

Ms. Linn overviewed the infrastructure and services for this property: Homestead Lane and 191st Street paved to accommodate intermodal/logistic park traffic, is within the Big Bull Creek watershed, will connect to the Big Bull Creek Wastewater system, is located within water service of Rural Water 7 and will construct a water tower for fire flow sufficiency, and public safety concerns provided by Johnson County Sheriff and Rural Fire District No. 1.

The City Administrator announced the plat mostly complies with the requirements of the UDC. She noted the following items will need to be addressed: basis of bearing should be labeled; need for additional utility easements should be reviewed by Utility Companies; 15-foot utility easement adjacent to the 50-foot right of way should be labeled as pedestrian easement; 15-foot utility easement and pedestrian easement should be dedicated on the west side of Kill Creek Road, north of 187th by separate instrument; verify recording of existing 15-foot utility easement; and addition of the county surveyor approval block.

Motion by M. O'Neill, seconded by Drinkard, to approve the final plat, subject to the following stipulations: 1) All Final Plat requirements of the City noted shall be met or addressed prior to recording the Plat; 2) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; 3) A Public Improvement Inspection Fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the UDC, including payment of excise tax; and 5) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the UDC.

The motion was approved, 7-0.

FINAL SITE PLAN

Consideration of Final Site Plan, S-11-27-13, requesting approval of a final site plan for Logistics Park Kansas City, Third Plat (Lot 3) [Inland Port IV – situs address: 18905 Kill Creek Road] located west of Waverly Road and 191st Street, in the southeast and southwest quarters of Section 34, Township 14 South, Range 22 East, Johnson County, Kansas was considered. Applicant: Edgerton Land Holding Company, LLC.

The City Administrator announced this item has its final approval by the Planning Commission. Ms. Linn indicated this item is the same location as the previously considered plat.

Driveway entrances were discussed. In addition, Sheet #2 needs for addressing: indicate trash enclosures and required screening for 45 trees and 557 hedge/shrub/evergreens and provide written confirmation from KCPL of the proposed landscaping acceptability within its easement.

Ms. Linn indicated on Sheet #3, the applicant needs to address pedestrian access within the development; adjacent to the public/private property; and sidewalk along Kill Creek Road and 187th Street. Parking spaces for employee needs will need to be noted. In addition, the applicant shall provide a photometric plan. Proposed easements within the interior of the project should be noted. Also noted was the need to locate handicapped accessible spaces as close to the doors as possible, along with the number of spaces needed according to ADA requirements and a travel route that is not located in the driving lanes.

Patrick Robinson, Edgerton Land Holding Company, LLC, (ELHC) spoke about security and marketing of the site. He indicated the company may be annexing 400 acres into the city in February. He also spoke about the tenant, Smart Warehousing, which is a third party logistics firm. He informed the Commission that development is happening quicker than anticipated. He requested the final site plan be approved with the driveway configuration and noted the potential for a deviation in order to reconfigure the driveway with the next facility. He noted there is a need for security and access control due to the international deliveries.

The City Administrator indicated Kill Creek Street will extend to the edge of the building. She informed the Commissioners staff is confirming with the Fire District of the needs for a fire access roadway. She indicated there may be an agreement with ELHC to construct a gravel roadway only for fire access purposes.

Chair Harris asked if all the points noted are within the stipulations. The City Administrator indicated yes.

Commissioner Lucero questioned the status of the gravel road and maintenance of it. The City Administrator indicated the roadway would need to be maintained by the applicant in a manner to allow emergency access, and added this could be included with the stipulations in the motion.

Patrick Robinson, informed the Commission that all buildings are equipped with fire suppression with emergency zones. He stated the proposed gravel roadway extension would need to be maintained for emergency access.

Motion by Drinkard, seconded by Lucero, to approve the final site plan with the following stipulations: 1) Revised final site plans shall be submitted prior to any building permit approvals or commencement of the use to address all Site Plan requirements in the Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.1 of Article 10 Site Plan including all items noted, and move forward with potential maintained gravel emergency access road and address access points with future review as tenant base expands; 2) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provision of the UDC; 3) No exterior lighting is proposed with the application. Lighting proposed later shall receive separate approval according to the provisions of the UDC; 4) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Plans for any public sanitary sewer extension will need to obtain a KDHE permit; 5) All building permit and sign permit requirements of the City shall be met; 6) Applicant/Owner obligation. The site plan, a scale map of the proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

The motion was approved 7-0.

OTHER BUSINESS

The current roster was reviewed. The Commissioners were informed to provide changes to the Recording Officer.

Chair Harris spoke with concern about the parking/safety issues downtown. She indicated many vehicles, as parked, extend out into the street making driving hazardous. She questioned if the parking could be reconfigured with angle parking. The City Administrator indicated staff would check with the City's Engineer and the business owners.

Ms. Linn spoke about the intermodal project area and indicated if there was desire of the new members or others to tour the area and if so, a tour would be arranged.

Mr. Robinson supported Ms. Linn's comments.

ADJOURNMENT

Edgerton Planning Commission

January 28, 2014

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Motion by M. O'Neill, seconded by Graddy, to adjourn.

The motion passed 7-0.

The meeting adjourned at 8:02 p.m.

STAFF REPORT

November 10, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, Zoning Administrator
Re: Application RZ-10-18-2013 for Rezoning of International Transload Logistics, Lot 1 at the southeast corner of 191st Street and Homestead Lane

APPLICATION INFORMATION

Applicant/Property Owner: Owners: Omar and India Holtgraver;
Applicant/Agent: International Transload Logistics.

Requested Action: Rezoning (International Transload Logistics, Lot 1 only) from City of Edgerton A-G Agriculture to L-P, City of Edgerton Logistics Park Zoning District

Legal Description: Part of Section 3, Township 15, Range 22

Site Address/Location: Approximately 31 acres at the southeast corner of 191st Street and Homestead Lane

Existing Zoning and Land Uses: One residence and out buildings

Surrounding Zoning and Uses: BNSF Intermodal Facility and L-P zoned land for warehouse development to the north in the City of Edgerton; unincorporated County to the south, west and east.

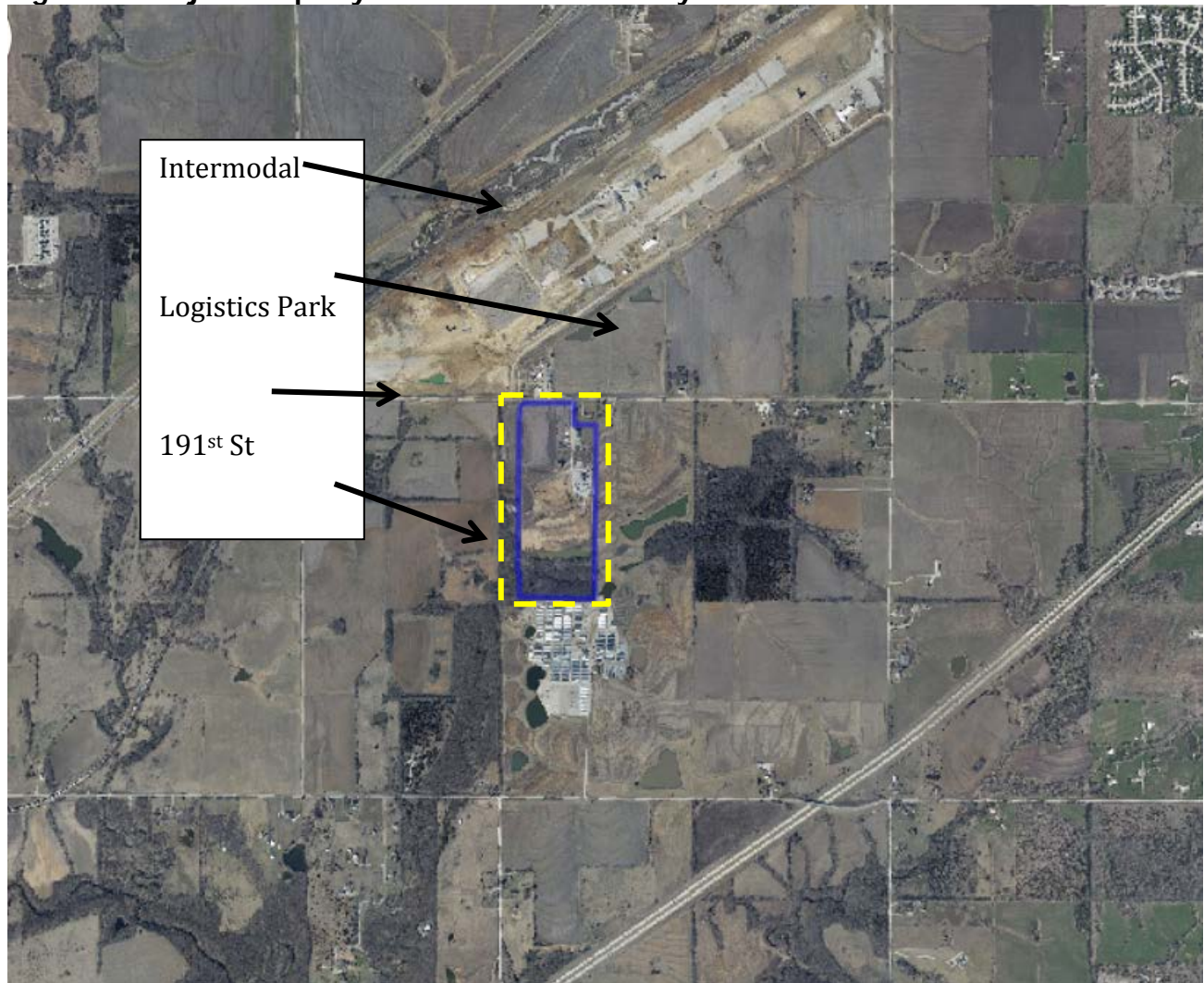
Existing Improvements: Single family home with out-buildings

Site Size: Approximately 31 acres

PROJECT DESCRIPTION AND BACKGROUND: This majority of this land was annexed into the City of Edgerton in 2011. The far northeast corner of the property that contains the single family residence was annexed into the City of Edgerton on October 24, 2013. The final plat of Lot 1 (the eastern lot) is being requested to facilitate the development of the property for logistic park related uses. The applicant, International Transload Logistics, has indicated they intend to operate a cargo container storage, maintenance and repair facility. The BNSF intermodal rail facility is located about 1/4 mile to the north, a grain transfer facility and warehouse industrial uses are located across 191st Road to the north. The logistics park and

intermodal's primary function is to transport and redistribute containers and the products they contain.

Figure 1: Subject Property and Immediate Vicinity

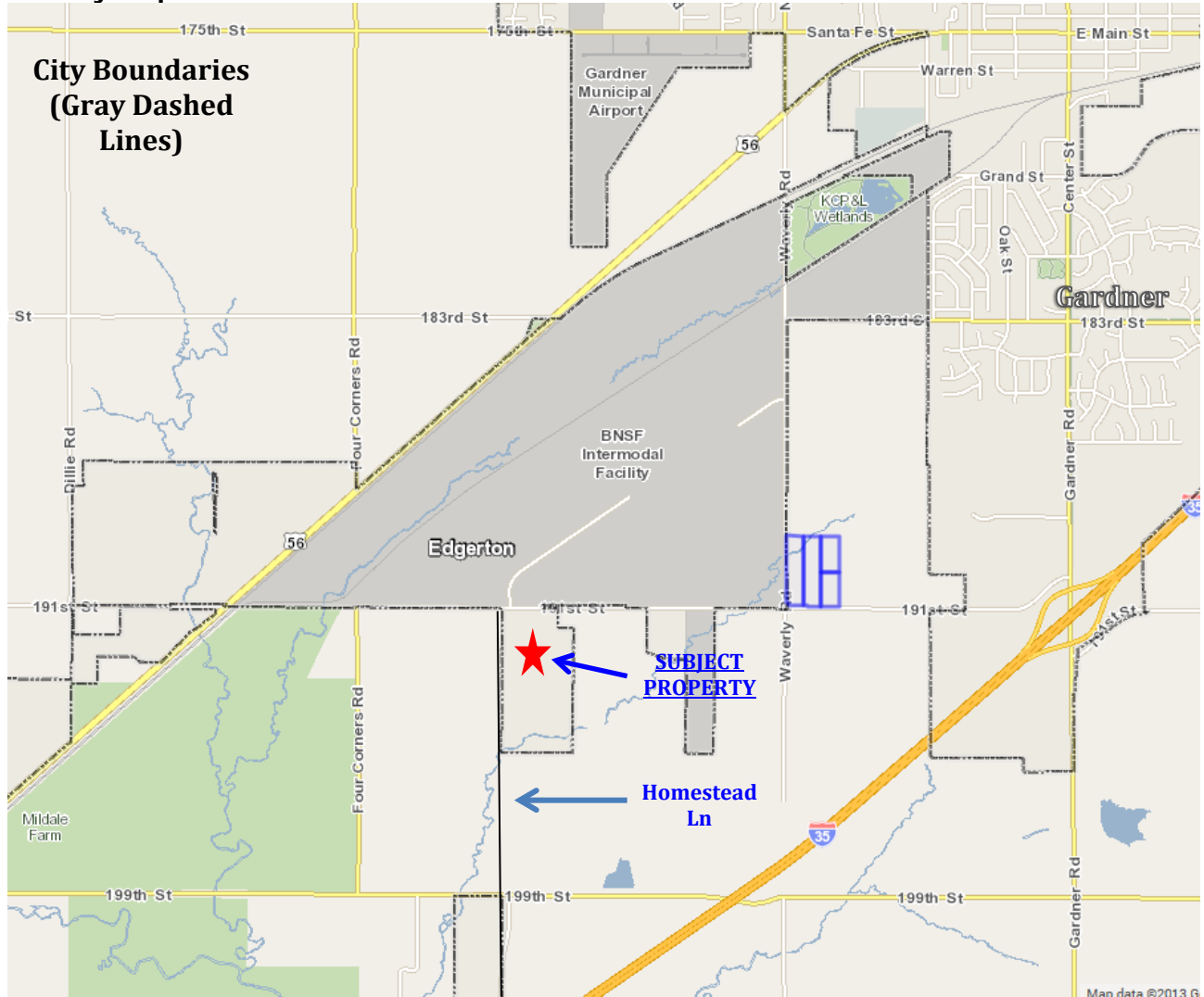


Infrastructure and Services:

- a. Homestead Lane and 191st Street are paved and designed to accommodate intermodal and logistic park truck traffic. Driveway and street connections will need to comply with city requirements regarding location and design.
- b. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
- c. About four acres of the south part of the property is located within the flood plain of a tributary of Bull Creek. The site plan will need to avoid development within the floodplain. The floodplain area is ideal for a streamway corridor/park/public access use area.
- d. The property has sanitary sewer service via the Homestead Lane lift station located on Lot 2.

- e. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along the 191st Street property frontage.
- f. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 3 miles to the southwest.

Vicinity Map



STAFF ANALYSIS

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change. The subject property has County zoning. Given the property's location next to the logistics park, the anticipated uses of the property are

intermodal facility and logistics park related uses. The L-P Zoning District is the most compatible designation for these uses.

2. Magnitude of the Change. The existing County zoning is considered a holding designation due to the property's location next to the intermodal facility. The property has been in residential and farm use. The magnitude of change is not considered extreme or rare when property is being developed for its planned end use, industrial development, as shown on Edgerton's Future Land Use Map within the Comprehensive Plan.
3. Whether or not the change will bring harm to established property rights. None foreseen.
4. Effective use of Land. Logistics Park development at this location is an effective and efficient use since the property is adjacent to the intermodal facility and the developing logistics park. Warehousing and related uses will buffer rail yard noise and encourage related activity around it, concentrating industrial development rather than dispersing it throughout the community.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. Placing warehousing and related facilities, adjacent to the intermodal rail yard puts an intermediate destination for some of the goods in transit and empty containers in transition in close proximity to their rail origin, reducing truck traffic in the surrounding area and allowing for more efficient goods distribution.
6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The recently opened BNSF Intermodal Facility is located to the north. There is City of Edgerton zoned L-P District land across 191st to the north. There is a wholesale tree farm to the east and south.

With the rapidly progressing intermodal development, recently completed road improvements, and the new I-35/Homestead interchange nearby, the character of the area is changing significantly from rural to industrial. The regional parks and floodplain areas nearby will generally remain undeveloped, providing open space, wildlife corridors, streamway buffers, and hiking, biking, and pedestrian corridors. The floodplain area is ideal for a streamway corridor/park/public access use area.

7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. The proposed zoning is compatible with the planned future uses of property to the north, south, east and west. Nearby residential land uses are likely short-term in nature. So, too, is the rural character of the area.
8. Suitability of the uses to which the property has been restricted under its existing zoning. The existing County zoning is a holding designation for this property. The property is no longer viable for residential use. With the construction of the intermodal freight terminal and the logistics park adjacent to the north, the best use of this property has become industrial.

9. Length of time the subject property has remained vacant under the current zoning designation. Before annexation, the property was in residential/farm use in unincorporated Johnson County.
10. The extent to which the zoning amendment may detrimentally affect nearby property. As noted, the nearby residential and rural uses are likely short-term in nature.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. 191st Street has been improved to a standard that will accommodate industrial development. Utilities will be provided by the developer in conjunction with development of the property.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. 191st Street and Homestead Lane are improved to a standard that can accommodate industrial development traffic in the area. On-street parking will not be allowed.
14. The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of light is addressed as part of the Site Plan review.
15. The economic impact on the community from the uses allowed in the proposed zoning. Prior to the development of the BNSF intermodal and logistics park, there have been few commercial and industrial uses within the City. Warehousing and related uses allowed in the L-P District, if built, have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues.
16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner would be denied a use compatible with the intermodal facility if the zoning is denied. The City would be adversely impacted due to the lost opportunity for jobs and tax revenue if anticipated logistics park uses were to locate in another nearby community.

17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map within the Comprehensive Plan designates the subject property for industrial development.

18. The recommendation of professional staff. See Recommendations Section, below.

RECOMMENDATIONS

City staff recommends **approval** of the Rezoning for International Transload Logistics, Lot 1 from City of Edgerton A-G Agriculture to City of Edgerton L-P Logistics Park subject to compliance with the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. A Land Disturbance Permit and a Stormwater Water Quality Management Plan shall be approved by City Engineer prior to grading on the subject property.

ATTACHMENTS

Rezoning Application RZ-10-18-2013 for International Transload Logistics, Lot 1

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SEC Homestead & 191st St.

PURPOSE FOR REZONING: Selling property for development

REQUESTED REZONING CHANGE: FROM AG TO L-P
(Current Zoning) (Proposed Zoning)

LEGAL DESCRIPTION: See Attached

CURRENT LAND USE: Ag

PROPERTY OWNER'S NAME(S): Omar & India Holtgraver PHONE: 913 ~~621-2755~~ 980 8310

COMPANY: _____ FAX: _____

MAILING ADDRESS: 32355 W 191st St. Edgerton KS 66021
Street City State Zip

APPLICANT/AGENTS NAME(S): International Transload Logistics PHONE: 913 621 2755

COMPANY: International Transload Logistics FAX: 913 621 2760

MAILING ADDRESS: 701 S. 38th St. Kansas City KS 66106
Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Rob Johnson PHONE: 913 307 2528

COMPANY: SKW FAX: 913 888 7868

MAILING ADDRESS: 11250 Corporate Ave Lenexa KS 66219
Street City State Zip

SIGNATURE OF OWNER OR AGENT: CS (P)
If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLY

Case No.: RZ- 10-18-2013 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 10-18-13

Received By: MAN Jim Date of Hearing: 11-12-13

REZONING INSTRUCTIONS

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership

STAFF REPORT

December 10, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, Zoning Administrator
Re: Application CU-11-15-2013 for Conditional Use Permit for for a Cargo Container Storage, Maintenance and Repair Facility on International Transload Logistics, Lot 1 at the southeast corner of 191st Street and Homestead Lane

APPLICATION INFORMATION

Applicant/Property Owner: Owners: Omar and India Holtgraver;
Applicant/Agent: International Transload Logistics

Requested Action: Conditional Use Permit for International Transload Logistics Lot 1 for a Cargo Container Storage, Maintenance and Repair Facility

Legal Description: Part of Section 3, Township 15, Range 22

Site Address/Location: Approximately 31 acres at the southeast corner of 191st Street and Homestead Lane

Existing Zoning and Land Uses: One residence and out buildings

Surrounding Zoning and Uses: BNSF Intermodal Facility and L-P zoned land for warehouse development to the north in the City of Edgerton; a house in the unincorporated County to the east; a wholesale tree nursery to the south in unincorporated Johnson County; and vacant land to the west in the City of Edgerton.

Existing Improvements: Single family home with out-buildings

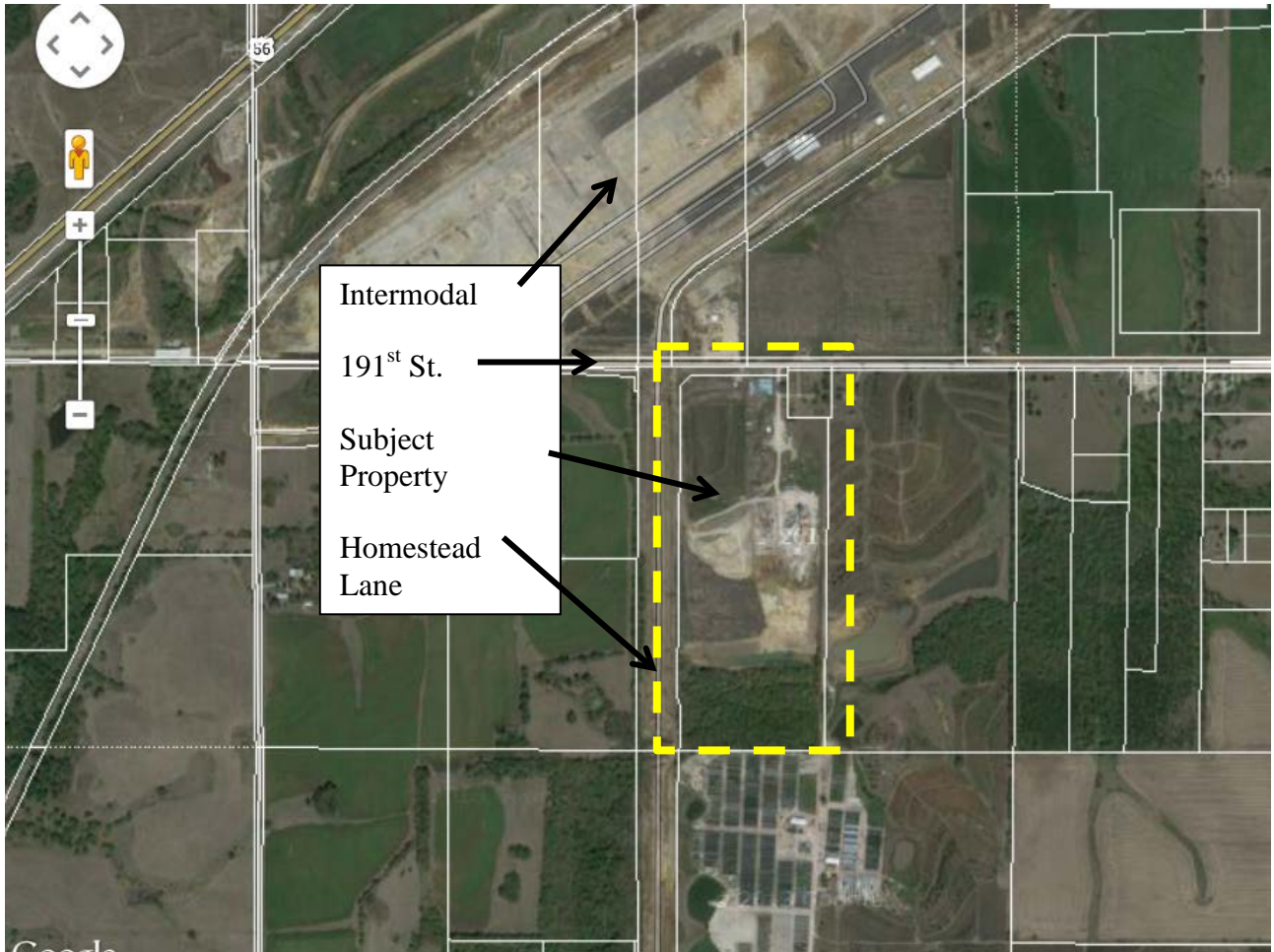
Site Size: Approximately 31 acres

PROJECT DESCRIPTION AND BACKGROUND: This land was annexed into the City of Edgerton in 2013. The property owner/application have submitted a final site plan application with the intention to operate a cargo container storage facility on Lot 1. Logistics Park Kansas City is located across 191st to the north. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity on

and around the intermodal facility. The logistics park and intermodal's primary function is to transport and redistribute containers and the products they contain. Since they are not in the business of storing containers for an extended period of time, there is a need for companies, like the applicant's, that specialize in storage and maintenance.

Figure 1: Subject Property and Immediate Vicinity

The subject property is located on the southeast corner of 191st Street and Homestead Lane, with about 500 feet of frontage along 191st.



Infrastructure and Services:

- a. Homestead Lane and 191st Street are paved and designed to accommodate intermodal and logistic park truck traffic. Driveway and street connections will need to comply with city requirements regarding location and design.
- b. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
- c. About four acres of the south part of the property is located within the flood plain of a tributary of Bull Creek. The site plan will need to avoid development within the floodplain. The floodplain area is ideal for a streamway corridor/park/public access use area.
- d. The property has sanitary sewer service via the Homestead Lane lift station located on Lot 2.

- e. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along the 191st Street property frontage.
- f. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 3 miles to the southwest.

Vicinity Map



STAFF ANALYSIS

The UDC allows cargo container storage, maintenance, and repair facilities in the L-P Zoning District if a Conditional Use Permit is first approved. The Planning Commission, in accordance with the procedures and standards of the UDC, may authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided

that the additional standards of this Article specified as a condition of approval. No conditional use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in the UDC. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact that are determined by the Planning Commission.

GENERAL CRITERIA

- a. The extent to which there is a need in the community for the proposed use. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity on and around the intermodal facility. The logistics park and intermodal's primary function is to transport and redistribute containers and the products they contain. Since they are not in the business of storing containers for an extended period of time, there is a need for companies, like the applicant's, that specialize in storage and maintenance. Placing these container storage facilities adjacent to the rail yard and the logistics park reduces the distance of travel, which equates to less pollution, wear on streets, cuts transportation costs, and centralizes perceived negative impacts from these facilities on the surrounding community. Staff determination: *Positive*
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The BNSF Intermodal Facility is across 191st to the north. 192 acres of land, zoned L-P District in 2012, lies across 191st to the north. There is one residence located just to the east on 191st. There are a few homes on rural acreage further to the east at 191st Street and Waverly Road intersection (see item number 3, above). Farming and vacant land lie to both the east and south.

With rapidly progressing intermodal development, new road improvements, and the new I-35 interchange nearby, the character of the area is changing significantly from rural to industrial. The regional parks and floodplain areas will generally remain undeveloped, acting as open space, which will help to retain some of the existing rural character of the area. Staff determination: *Positive*

- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. Facilities such as the one proposed here provide for the storage, staging, and maintenance of cargo containers, semi-trailers, and chassis. The conditional use permit performance criteria require that this activity be conducted in a manner that minimizes the noise, dust, traffic congestion, aesthetic blight and other adverse environmental impacts of such a use on surrounding property. To ensure that the cargo container, semi-trailers, and maintenance facilities are operated in a safe manner, the permitted height of stacking of such containers, the cargo within the containers, the location and surface used, methods of securing the containers so as to prevent safety hazards, and accessibility for emergency and maintenance equipment are all factors addressed by the regulations. Adequate visual screening and landscaping of cargo containers from the public right-of-ways and adjacent properties is also required. The site must also be of sufficient size to

accommodate the clean, safe and orderly storage and maintenance of cargo containers, semi-trailers, and chassis with adequate lighting and signage.

The foregoing factors are addressed in the specific performance criteria, below. Staff determination: *Positive*

- d. Suitability of the uses of the property without the proposed conditional use permit. The property is no longer in agricultural use. With the construction of the intermodal freight terminal and the logistics park adjacent to the north, the best use of this property has become industrial. Staff determination: *Positive*
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Before annexation, the property was in agricultural use in unincorporated Johnson County for at least the previous 60-plus years for which information (aerial photography) is available. Staff determination: *Positive*
- f. The extent to which the proposed use may detrimentally affect nearby property. The properties that will likely be most affected by this proposed zoning are the few parcels in residential use to the east. The nearest proposed trailer storage pad is about 300 feet from the nearest home. As the area transitions to industrial uses, the residential uses are short term in nature. No long term detrimental effects are expected. The stream and floodplain areas on the south end of the property will be undeveloped and as such, provide buffering and open space. Staff determination: *Positive*
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. As noted in the Site Plan review, adequate ingress, egress, parking, and loading has been provided after suggested modifications. The stream and floodplain areas will be undeveloped and as such, they provide adequate open space. No signage is proposed. Staff determination: *Positive*
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. Please also see the Infrastructure and Services review on page 2, above.
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. 191st Street and Homestead Lane are improved to a standard that can accommodate industrial/truck traffic in the area. On-street parking will not be allowed and adequate parking is provided for this project. Staff determination: *Positive*
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of light, off-site, should be addressed by the photometric

plan. Staff determination: *Positive*

- k. The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal and logistics park, there have been few commercial and industrial uses within the City. Warehousing and related uses in the L-P District, if built, have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues. Staff determination: *Positive*
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner would be denied a use compatible with the intermodal facility if the zoning is denied. The City would be adversely impacted due to the lost opportunity for jobs and tax revenue if anticipated logistics park uses were to locate in another nearby community. There is substantial floodplain on the south end of the property. This area is designated as a streamway corridor on the recently completed Southwest Johnson County Area Plan. Consideration should be given to dedication of an easement to allow a public use trail along the streamway in the future. Staff determination: *Positive*
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map (attached) within the Comprehensive Plan designates the subject property for industrial development. Staff determination: *Positive*
- n. The recommendation of professional staff. (Ord. 798; 2005) Please see the Recommendations Section, below.

CARGO CONTAINER STORAGE, REPAIR, AND MAINTENANCE FACILITY PERFORMANCE CRITERIA.

All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as "facilities") shall be subject to the following performance provisions:

- 1. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings. *Final site plan complies.*
- 2. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved. *Property owner required to submit a Photometrics plan in conformance with the Photometrics standards included in the L-P District*
- 3. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres. *Property complies with 30 acres.*
- 4. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.

Noise issues are not addressed in the applicant's proposal; however, the use must continuously comply with these noise maximums in the conduct of the business.

5. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 - i. Paving shall mean concrete or asphalt: and
 - ii. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site. **Permanent parking area material has not been specified. Permanent surface must be asphalt or concrete.**
6. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices. **The proposed use shall continuously comply.**
7. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number. **The proposed use must continually comply and not exceed the maximum stacking height.**
8. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number. **The proposed use must continually comply and not exceed the maximum stacking height.**
9. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards. **A Type 4 Perimeter Buffer is required on the east property line due to the residential adjacent use to the front face of the buildings. A Type 2 Perimeter Buffer is required on the Lot 1 west property line to the back of Transfer Dock building. Specific requirements for type of plant, spacing, percentage of single species, etc. must comply with Edgerton Unified Development Code. The type 2 buffer requires trees at 50' spacing and bushes at 48" spacing. All landscaping shall be included on Lot 1. Plant material must be continuously maintained and replaced when dead. No fence has been noted on the site plan. Any fence must be submitted to City for review and approval. Fence placement and material must meet Edgerton UDC requirements for L-P District.**
10. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:

- i. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked).
- ii. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked).
- iii. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property. There is County Rural (residential) zoned property abutting to the east and south of the subject property. *The application does not meet this performance requirement. The City may consider allowing a deviation according to the specific requirements of Article 7.2 D 14.*

Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to these performance standards and provisions. The application may only be approved if findings are made by the Governing Body that a) due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the Regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property, and d) the application shall otherwise comply with all building code(s) and safety requirements.

- iv. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling. *The nearest home is about 300 feet from the storage area. The proposed Site Plan complies.*
11. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis. *No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC.*
12. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9 (B) (3) of these regulations. *Final Site Plan shall be revised to comply with all stipulations of Final Site Plan and Conditional Use Permit review.*

13. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner. *The proposed use must comply with these requirements.*

RECOMMENDATIONS

City staff recommends **approval** of the Conditional Use Permit for International Transload Logistics, Lot 1 subject to compliance with the following stipulations:

1. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements, paving requirements, etc.
2. The property shall be developed in accordance with the Site Plan, Landscaping Plan, and Photometric Plan as revised, as approved by the City, prior to commencement of the cargo container storage use. Plant material shall be continuously maintained and replaced when dead.
3. All existing building exteriors shall be modified in accordance with the City of Edgerton Unified Development Code. Applicant shall provide documentation for review and approval by City for service of utilities and compliance with ADA standards for all existing buildings to remain.
4. Cargo containers and chassis may be stored only in the designated, striped areas shown on the Site Plan.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for ____ years from approval by the City of Edgerton.

ATTACHMENTS

Conditional Use Permit Application CU-11-15-2013 for International Transload Logistics, Lot 1

CITY OF EDGERTON, KANSAS
APPLICATION FOR CONDITIONAL USE PERMIT

Please print or type

REQUESTING CONDITIONAL USE PERMIT FOR: Container Storage

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SEC 191st & Homestead

LEGAL DESCRIPTION: See Attached - Lot 1 (ITL)

ZONING ON SUBJECT PROPERTY: AG CURRENT LAND USE: AG
Currently rezoning to LP

PROPERTY OWNER'S NAME(S): Holtgraver PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: 32355 W 191st St. Edgerton KS 66021
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME(S): ITL (Craig Swepe) PHONE: 913 621 2750

COMPANY: ITL FAX: 913 621 2670

MAILING ADDRESS: 701 S 38th St. KC KS 66106
STREET CITY STATE ZIP

ENGINEER/ARCHITECT'S NAME(S): Rob Johnson PHONE: 913 307 2528

COMPANY: SKW FAX: 913 888 7868

MAILING ADDRESS: 11250 Corporate Ave Lenexa KS 66219
STREET CITY STATE ZIP

SIGNATURE OF OWNER OR AGENT: _____
If not signed by owner, authorization of agent must accompany this application.

NOV 14 4:08 PM

FOR OFFICE USE ONLY

Case No.: CU- 11-15-2013 Amount of Fee Paid: \$ 250⁰⁰ Date Fee Paid: 11-15-13

Received By: Debra Skragg Date of Hearing: 12/10/13